

In The Matter of Merchant Mariner's Document No. Z-1058176 and all
other Seaman Documents

Issued to: LAWRENCE H. CHAPMAN

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1330
LAWRENCE H. CHAPMAN

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 26 January 1962, an Examiner of the United States Coast Guard at Portsmouth, Virginia suspended Appellant's seaman documents for one month outright plus two months on six months' probation upon finding him guilty of misconduct as the result of a hearing conducted at Baltimore, Maryland on 15 January 1962. The two specifications found proved allege that while serving as an oiler on board the United States MV BETHCOASTER under authority of the document above described, on or about 29 August 1961, Appellant wrongfully created a disturbance on board the ship at Quincy, Massachusetts; on or about 29 August 1961, Appellant wrongfully addressed the Master with foul and abusive language.

At the hearing, Appellant was represented by counsel who entered a plea of guilty to the charge and each specification on behalf of Appellant.

The Investigating Officer made an opening statement and rested. In mitigation, counsel stated that, on the date of these offenses, Appellant went on authorized leave while the ship was moored at the Bethlehem Steel Shipyard in Quincy; Appellant left the shipyard and he had difficulty returning to the ship a few hours later because he did not have pass to enter the shipyard; the offenses occurred when Appellant went on board the ship in a disturbed condition as a result of this incident and had words with the Master about obtaining a pass.

Appellant's prior record consists of a probationary suspension in 1959 for refusing to obey orders and the use of foul language toward two ship's officers.

OPINION

Appellant appeals on the grounds that the Examiner found these offenses occurred "on 29 August 1961" but Appellant was discharge from the BETHCOASTER on 28 August 1961.

Although this statement is correct, it does not justify a reversal because Appellant pleaded guilty to offenses committed "on or about 29 August 1961". This is broad enough to include the date of discharge of 28 August 1961; and, according to the Investigating Officer's opening statement, Appellant was discharged by the Master on the day these offenses took place. The Examiner's findings are modified to read "on or about 29 August 1961" instead of "on 29 August 1961".

ORDER

The order of the Examiner dated at Portsmouth, Virginia, on 26 January 1962, is AFFIRMED.

E. J. ROLAND
Admiral, UNITED STATES COAST GUARD
COMMANDANT

Signed at Washington, D. C., this 9th day of August 1962.